

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

iSun, Inc., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11144 (TMH)

(Jointly Administered)

**DECLARATION OF DISINTERESTEDNESS OF MERRITT & MERRITT PURSUANT TO
THE ORDER AUTHORIZING THE RETENTION AND COMPENSATION OF CERTAIN
PROFESSIONALS UTILIZED IN THE ORDINARY COURSE OF BUSINESS**

I, H. Kenneth Merritt, Jr., make this declaration (this “Declaration”) under penalty of perjury:

1. I am the Managing Director of Merritt & Merritt, located at 60 Lake Street, 2nd Floor, P.O. Box 5839, Burlington, Vermont 05402 (the “Company”).

2. iSun, Inc. and its affiliated debtors, as debtors and debtors in possession (collectively, the “Debtors”), have requested that the Company provide corporate legal services to the Debtors, namely Hudson Solar Service, LLC, Hudson Valley Clean Energy, Inc., iSun Corporate, LLC, iSun Energy LLC, iSun Industrial, LLC, iSun Residential, Inc., iSun Utility, LLC, iSun, Inc., Liberty Electric, Inc., Peck Electric Co., SolarCommunities, Inc., and Sun CSA 36, LLC, and the Company has consented to provide such services.

3. The Company may have performed services in the past, may currently perform services and may perform services in the future, in matters unrelated to these Chapter 11 Cases,²

¹ The Debtors in these Chapter 11 cases, along with the last four (4) digits of their federal tax identification numbers, are: (i) iSun, Inc. (“iSun”) (0172) (ii) Hudson Solar Service, LLC (“Hudson”) (1635); (iii) Hudson Valley Clean Energy, Inc. (“Hudson Valley”) (8214); (iv) iSun Corporate, LLC (“iSun Corporate”) (4391); (v) iSun Energy, LLC (“iSun Energy”) (1676); (vi) iSun Industrial, LLC (“iSun Industrial”) (4333); (vii) iSun Residential, Inc. (“iSun Residential”) (3525); (viii) iSun Utility, LLC (“iSun Utility”) (4411); (ix) Liberty Electric, Inc. (“Liberty”) (8485); (x) Peck Electric Co. (“Peck”) (5229); (xi) SolarCommunities, Inc. (“SolarCommunities”) (7316); and (xii) Sun CSA 36, LLC (“Sun CSA”); (collectively referred to as the “Debtors”). The Debtors’ mailing address is: 400 Avenue D, Suite 10, Williston, Vermont 05495, with copies to Gellert Seitz Busenkell & Brown LLC, Attn: Michael Busenkell, 1201 N. Orange Street, Suite 300, Wilmington, DE 19801.

² Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Motion.

for persons that are parties in interest in the Debtors' Chapter 11 Cases. The Company does not perform services for any such person in connection with these Chapter 11 Cases or have any relationship with any such person, their attorneys, or accountants that would be adverse to the Debtors or their estates with respect to the matter on which the Company is proposed to be employed.

4. As part of its customary practice, the Company is retained in cases, proceedings, and transactions involving many different parties, some of whom may represent or be employed by the Debtors, claimants, and parties in interest in these Chapter 11 cases.

5. Neither I nor any principal, partner, director, officer of, or professional employed by the Company has agreed to share or will share any portion of the compensation to be received from the Debtors with any other person other than the principal and regular employees of the Company.

6. Neither I nor any principal, partner, director, officer of, or professional employed by the Company, insofar as I have been able to ascertain, holds or represents any interest adverse to the Debtors or their estates with respect to the matter(s) upon which this Company is to be employed.

7. The Debtors owe the Company approximately \$352,523 (as reflected in the Company's Chapter 11 Petition, subject to adjustment based on the Company's books and record to be reflected in the Company's proof of claim) for prepetition services, the payment of which is subject to limitations contained in the United States Bankruptcy Code, 11 U.S.C. §§ 101-1532. Non-attorney professionals hereby waive any prepetition claim.

8. I understand that the amount owed by any of the Debtors to the Company for prepetition services will be treated as a general unsecured claim, and, as such, the Company may file a proof of claim.

9. I further understand that this Declaration will not suffice as the Company's proof of claim.

10. As of June 3, 2024, which was the date on which the Debtors commenced these Chapter 11 Cases, the Company was not party to an agreement for indemnification with certain of the Debtors.

11. The Company is conducting further inquiries regarding its retention by any creditors of the Debtors, and upon conclusion of that inquiry, or at any time during the period of its employment, if the Company should discover any facts bearing on the matters described herein, the

Company will supplement the information contained in this Declaration.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Date: July 17, 2024



H. Kenneth Merritt, Jr